Commercial



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HONOLULU, HAWAIIAN ISLANDS, THURSDAY, JUNE 7, 1894.

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CONSTITUTIONAL CONVENTION.

President Dole Confirmed as the First Head of the Republic.

A GOOD DAY'S WORK ACCOMPLISHED

Large Part of the Day Occupied in Discussing the Executive Office-Some Work Which Will Probably Be Revised Upon the Second Reading.

Sixth Day.

WEDNESDAY, June 6, 1894. The Convention was called to order as usual. Prayer by chaplain. Roll

Minutes of preceding day read and approved.

Delegate Kahaulelio introduced a resolution prohibiting smoking in the Convention.

Delegate Baldwin favored the resolution. Delegates Robertson and Mc-Candless opposed it. Delegate Kahaulelio considered the

divided between the Constitution and a cigar. The resolution was lost-12 to 15. At 10 o'clock the Convention went

into committee of the whole, Councillor Emmeluth in the chair. Consideration of paragraph 5, sec tion 2, article 18, was resumed. The

of a country having express treaty stipulations with the Republic of Hawaii concerning naturalization. This had been amended by Minister Hatch, substituting for "concerning"

paragraph is as follows:

the words "reciprocally providing Councillor Brown renewed his motion to strike out the paragraph. He was afraid we might not be able

to obtain the reciprocal treaties referred to, in which case all naturalization would be shut out. Councillor Smith was not in favor of Mr. Brown's motion at all. He tayored Minister Smith's proposition to substitute the words "providing

for" for the word "concerning." Councillor Wilder favored Mr. Brown's motion unless someone could satisfy him that it would be a good thing to shut ourselves up like an oyster and keep everybody out. The object of the paragraph was to exclude the Asiatics, but while they did that,

they were excluding every other nationality. Delegate Carter said that the Supreme Court of one State of the United States, and practically those of one or two others, had decided that Hawaiians were not eligible to citizenship. The intimation in regard to Asiatics was unwarranted, and might involve the Government in serious trouble. He moved reference to Judiciary

Committee. Carried. Paragraph 6. He shall be of good moral character and not a refugee

from justice. Passed. 7. He shal be engaged in some lawful business or employment, or have some other lawful means of support.

S. He shall be the owner in his own right of property in the Republic of the value of not less than \$200 over and above all encumbrances. Passed. 9. He shall have taken the oath prescribed in article 100 of the con-

stitution, and an oath abjuring alle-

giance to his hative land or that in which he has beretofore been naturalized, and of allegiance to the Republic of Hawaii. Passed. 10. He shall make written applica tion, verified by oath to a Justice of the Supreme Court, setting forth all

such Justice. President Dole moved to add after "setting forth" the words "his compliance with."

Carried and the amended paragraph ARTICLE 19-DENIZENS.

No letters of denization shall be issued to any person not by this constitution eligible to become a citizen; except that no previous residence in a case to allow three of those ministhe Hawaiian Islands, nor intention ters to oust a fourth. Perhaps the to become a permanent resident of the Republic, nor oath abjuring allegiance a compromise, the minority getting to his native land or of allegiance to in one man. If this one could be the Republic, nor application to the Supreme Court, shall be required. Council or Brown moved to

strike this article out. placed too much power in the hands of the Executive. It would inevitably be a matter of political favor. It should not be possible for a resident of six weeks to be placed on an equal footing with one who had been here two years. He did not believe it was the practice of any other nation in the world to grant letters of den zeuship | moval, with the consent of the Presi-

under such eireumstances. Delegate Carter filled to compreup with the new year. Ring up hend why denizens should be absolv-

oath of allegiance to the Republic. He would move to strike out the words "or of allegiance to the Republie."

Councillor Wilder moved to refer the article to the committee having paragraph 5 of the preceding section in hand.

Carried. ARTICLE 20. - DIVISION OF POWERS

OF GOVERNMENT. The supreme power of the Republic is divided into the executive, legisla-tive and judicial. Except as herein provided these shall be preserved dis-

Delegate Carter moved to strike out the last sentence. The theory expressed originated with Montesquieu, but modern experience had explod-

Minister Smith moved the article pass as read.

Carried.

EXECUTIVE DEPARTMENT. ARTICLE 21. - EXECUTIVE COUNCIL. Section 1. The executive power of the Republic shall be vested in a President and Cabinet.

Carried. Section 2. The Cabinet shall consist of a Minister of Foreign Affairs; a Minister of Interior; a Minister of Finance and an Attorney General.

Delegate Ca.ter moved to substitute the word "Secretary" for "Minister," and "Treasury" for "Finance." Delegate Kabaulelio opposed this. The word "Minister" had already

been adopted.

too far.

consideration.

Minister Smith said it would be very awkward to translate satisfactorily the word "Secretary" into Hawaiian. The word "Minister" had always been used. The Ministers here were more than Secretaries.

The amendment was lost and the

section passed as in the draft. Section 3. The President and Cabinet sitting together shall constitute the Executive Council. Passed. Section 4. Wherever in this Constitution the action or approval of the

Executive Council is required, it shall 5. He shall be a citizen or subject mean that the action or approval of a majority of such Council, of which majority the President shall be one, is sufficient. Councillor Ena did not favor a pro-

vision which enabled a majority of

the Cabinet to override the President. President Dole explained that this would be the case only in those cases where the Constitution vested the executive power in the Executive Council. In France the President had been made a mere figurehead. This must be guarded against. The Constitution went very far in limiting the powers of the president, which he approved. But to allow the Cabinet to override the President seemed to him going

Minister Damon held that where matters came before the Executive Council, the majority should rule. His experience as a Cabinet Minister before had convinced him of this. He would move reference to a committee, as this was a serious matter which should not be passed on without due

Minister Smith hoped that the section would pass as read, pointing out at some length the advantages of the measure. Delegate Baldwin said the question was new to him, and he had not made up his mind. It was an important

matter, and the Convention should go

slowly on it. He moved reference to

the Committee on Executive.

A discussion arose on the question of referring the article to a large or a small committee. President Dole pointed out the radical distinction between the situation of a president and the sovereign. The president was elected for a term, strictly responsible, subject to impeachment, and with defined powers. The power of the President of the United States were greater than those of any constitutional sovereign in the world. The President here had far less power. He was limited in every direction. He could hardly appoint an officer without the approval of the

be carried too far, and that would be very injurious to the character of the Executive. The section passed. Delegate Carter moved to add a new

Cabinet; he could not even remove

one of his own cabinet without the

consent of the senate. He approved

of these limitations; but they might

section, as follows: Section 5. Whenever requested so figurement when the foregoing requirements, and shall to do by the President and turee of Mrs NETTIE HAR | prove the same to the satisfaction of the Cabinet, a minister shall resign. Delegate Carter strongly urged the importance of adopting the section. Previous experience had shown the necessity of a provision of this kind. Delegate McCandless seconded the

section. He heartily approved of it. Delegate Robertson was not in favor of this amendment. The working of this Constitution would be that the Senate would practically elect the Cabinet. It would not be fair in such election in the Senate would result in thrown out by the others it would defeat the original intention of the Senate. The section would play directly into the hands of the "family compact" if such a thing existed. Delegate Kahaulelio favored the

Minister Smith said if the conduct of a Minister became of such importance as to impede the transaction of public business the Senate could be convened, and it could make the redent. He thought that on the whole it would be best to leave it there.

section and hoped it would pass.

Delegate Lyman was heartily in ed from the necessity of taking an favor of the article of the Constitu-

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